

PART 2042 - TORT CLAIMS

SUBPART B - REPORTING ACCIDENTS

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PART 2042 - TORT CLAIMS

SUBPART B - REPORTING ACCIDENTS

§ 2042.51 Scope.

This subpart contains procedures for reporting accidents resulting in personal injury or property damage arising from Rural Development operations. Additional reports must be filed as required by local or State authorities. See the following parts for appropriate regulations:

Part 2018: General.

Part 2063: Employee Relations and Services.

Part 2069: Safety and Injury Compensation.

§ 2042.52 General.

(a) This reporting system is mandatory so as to protect the interests of the United States, appropriations of the Rural Development, and to show the causes of accidents. Report accidents promptly and accurately using the standard forms described in § 2042.52(c).

(b) The Federal Tort Claims Act (see RD Instruction 2042-A) places liability on the United States for the negligent acts of its employees acting within the scope of their employment which result in personal injury or property damage to private persons or concerns. Under this Act, a claim can be filed for property damage, death, or personal injury resulting from an accident caused by negligent or wrongful acts, or omission.

(c) The following forms will be used as required herein, and will be submitted to the appropriate jurisdictional officials (State Director for State, District, and County Office employees; Assistant Controller, Finance Office, for Finance Office employees; and Director, Support Services Division (SSD), for National Office employees in Washington, D.C.):

DISTRIBUTION: WSDC

Administrative Services
Tort Claims

RD Instruction 2042-B
§ 2042.52(c) (Con.)

- (1) Standard Form 91, "Operator's Report of Motor Vehicle Accident." (See § 2042.53(b).)
- (2) Standard Form 91A, "Investigation Report of Motor Vehicle Accident." (See § 2042.53(c).)
- (3) USDA Modified Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation." (See § 2042.55.)
- (4) Standard Form 94, "Statement of Witness." (See § 2042.57.)
- (5) Optional Form 26, "Data Bearing Upon Scope of Employment of Motor Vehicle Operator." (See § 2042.53(e).)
- (6) Federal Aviation Agency (FAA) form. Rural Development employees operating airplanes may obtain these forms from the FAA. (See § 2042.53(f).)
- (7) Police report, if one is issued.
- (8) Two estimates for auto damages, when applicable.
- (9) When an accident results in an employee's injury, follow the procedures regarding the Federal Employee's Compensation Act in § 2069.70 of RD Instruction 2069-B.

§ 2042.53 Motor vehicle (including aircraft) accidents.

- (a) Accidents that must be reported. Report any accident involving a motor vehicle or aircraft operated by an Rural Development employee while on official business if accident results in any death, injury, or property damage.
- (b) Standard Form 91, "Operator's Report of Motor Vehicle Accident."
 - (1) Every Rural Development employee must have this form when operating any vehicle on Rural Development business.

§ 2042.53(b) (Con.)

(2) This form must be prepared by the driver at the time, if possible, and at the scene of the accident. It should be sent immediately to the appropriate official (see § 2042.52(c)) with any reported statements by the private party accepting responsibility; include names, addresses, and telephone numbers of witnesses. When an accident results in death, major injury, or total disability of more than 10 days, report immediately by telephone to the appropriate official, who will notify the Director, SSD, National Office. (See RD Instruction 2063-G for notification of the Office of the General Counsel (OGC).) If the Rural Development employee in the accident is injured or killed, another Rural Development employee must prepare Standard Form (SF) 91 and send it to the appropriate official, who will examine and send it, with any additional, pertinent information to the Director, SSD, National Office.

(c) Standard Form 91A, "Investigation Report of Motor Vehicle Accident." The official (see § 2042.52(c)) will immediately assign a Grade GS-7 or above Rural Development employee to be the investigating officer. The investigating officer must:

(1) Prepare SF 91A within 48 hours after the accident and send it to the appropriate official. This official will send the original copy to the Director, SSD, National Office. To report additional information, the investigating officer may add a written statement to the form.

(2) Provide a clear copy of the police report, traffic investigation, and other pertinent details, when applicable.

(3) Provide a clear copy of the traffic ticket, if one is issued.

(d) Dollar amount of actual or estimated damage. Within 15 days after the accident, the Director, SSD, National Office should also be provided with a statement of the actual or estimated dollar amount of damage to the vehicle operated by the Rural Development employee, as well as to the other vehicle or property involved.

(e) Optional Form 26, "Data Bearing Upon Scope of Employment of Motor Vehicle Operator." In compliance with the Privacy Act of 1974, authorized by Title 40 U.S.C. Section 491, this form is used to provide necessary data for legal counsel in legal actions resulting from accidents and/or other information for use by Federal, State, or local governments or agencies in analyzing accident causes relevant to civil, criminal, or regulatory investigations or prosecution. This form is to be completed by the operator at the time and scene of the accident, insofar as possible, and attached to completed SF 91 for submission to the Director, SSD, National Office.

(f) Federal Aviation Agency (FAA) forms. Report all airplane accidents by Rural Development employees on FAA forms.

(1) Send copies of accident reports to FAA officials as required by FAA regulations.

(2) Send two copies to the appropriate Rural Development jurisdictional official (see § 2042.52(c)), who will keep one copy and send the other to the Director, SSD, National Office.

(g) Accidents involving General Services Administration (GSA) motor pool vehicles. In addition to paragraphs (b), (c), and (d) of this section, the jurisdictional official and employee concerned shall promptly provide the GSA Chief of the Motor Pool who assigned the vehicle with copies of the completed accident reports and supporting data, as follows:

(1) When total property damage is less than \$250 and no bodily injury is involved, one copy of SFs 91 and 91A and any other readily available data, including estimates, when applicable.

(2) When total property damage is \$250 or more, or bodily injury is involved, two copies of SFs 91 and 91-A and such photographs, measurements, doctor's certificate of bodily injuries, police investigation report, statement of witness(es), if any, and any other pertinent data, as are obtainable. (See RD Instruction 2018-G for additional information on custody and operation of GSA interagency motor pool and leased vehicle(s).

(3) One copy of all supportive accident forms must be sent to the Director, SSD, National Office.

§ 2042.53 (Con.)

(h) Payment of GSA claims. GSA will check to see if payment is necessary; if so, the bill for damages should be sent to the State Office concerned for transmittal to the National Finance Center, Intergovernmental Billing Funds Division, for payment to GSA. Repairs of leased vehicles will be processed through the Budget Division, Administrative Programs Branch, National Office.

(i) Opinions and statements. Neither the operator of a vehicle involved in an accident, nor any other Rural Development employee concerned, shall express opinion or make statements as to the responsibility for the accident, except upon the request or direction of the appropriate State Director, the Assistant Controller, Finance Office, or the Director, SSD, National Office.

(j) Failure to report accidents and complete records. Violations of the accidents reporting requirements contained herein or a record of abnormal accident costs may result in disciplinary action.

(k) Billing for repairs. GSA must be reimbursed for damages caused by an Rural Development employee when fault or negligence is involved.

§ 2042.54 Accidents other than motor vehicle.

(a) Reportable accidents. All accidents, except those involving motor vehicles or aircraft, which result in property damage or injury to private citizens.

(b) Investigation report (accidents other than motor vehicle). When there is a serious injury, death, or property damage, the official (see § 2042.52(c)) will immediately appoint a Grade GS-7 or above Rural Development employee near the place of the accident to be the investigating officer. The investigating officer's report to the appointing official will be in writing. It must include:

- (1) Maps or sketches of the place of accident.
- (2) Photographs of the place showing the position of persons, equipment, etc., involved in the accident.
- (3) Any other important information.
- (4) Names and addresses of the witnesses.

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§ 2042.55 Supervisor's report of traumatic injury.

- (a) USDA Modified Form CA-1 must be completed in all instances within 7 days of the accident by the injured Rural Development employee's supervisor and the original submitted to the Director, SSD, National Office.
- (b) Use a separate form for each injured employee. One copy of each report will be made to fill the needs of the appropriate jurisdictional official.
- (c) Send USDA Modified Form CA-1 to the appropriate jurisdictional official. (See § 2042.52(c)).

§ 2042.56 Processing accident forms.

Upon receipt of accident or claim forms by the State Office official, the following steps must be taken to process the forms:

- (a) State Office retains a copy of all forms.
- (b) State Office sends a copy to the OGC Field Regional Attorney.
- (c) State Office sends originals and two copies of all forms to the Director, SSD, National Office.
 - (1) All accident forms must be completed in black ink (not pencil) or typewritten, if possible, for clarity.
 - (2) The OGC field attorney has authority to determine the settlement of tort claims for \$100,000 or less. After the attorney makes a recommendation of payment to claimant(s), please see § 2042.6(d)(1)(i) and (ii) of RD Instruction 2042-A. (Revised 02-04-04, PN 370.)

§ 2042.57 Statement of witnesses.

- (a) A Rural Development employee involved in an accident will obtain statements from witnesses in writing, at the scene of the accident, utilizing SF-94, "Statement of Witnesses." This form is included as a part of Form AD-651, "Motor Vehicle Accident Report Kit," and will be provided for any owned vehicle utilized on official business. On request, the Chief, Property and Procurement Management Branch, in St. Louis, Missouri, will supply a SF-95, "Claim for Damage, Injury, or Death," as well as Form AD-651, "Motor Vehicle Accident Report Kit," which contains copies of Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation," and SF-91, "Operation's Report of Motor Vehicle Accident," and SF-94. (Revised 02-04-04, PN 370.)

§ 2042.57 (Con.)

(b) A Rural Development employee involved in an accident and the investigating officer must obtain the full name and mailing address (permanent home address, if witness is itinerant) of every witness to the accident.

§§ 2042.58 - 2042.100 (Reserved)

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